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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,945	08/03/2000	Juha Rinne	460-009575-US(PAR)	9273

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EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 07/14/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,945

Applicant(s)

RINNE ET AL.

Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 5-6, 8-12, 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-4, 7, 13 and 15 are allowed.

Reasons for allowance

2. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-4, 7, 13 and 15 are allowed with the same reasons set forth in the previous Office action (paper #14).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 8, 10-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichinger (U.S. Patent No. 6,370,374) in view of Ogasawara (U.S. Pub. No.20020016740).

Regarding to claims 5 and 10 Eichinger teaches a method for transmitting user identification data to a wireless communication device of a mobile communication network (see fig. 1, mobile radio) in which method the user data are stored in the identification module (see fig. 1, SIM card), wherein in connection and communication directly between the wireless communication device (see figs.1, and 2). The user data stored in the identification module are examined to find out the access rights of the user of the wireless communication device, wherein

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the user identification data are transmitted from the identification module to the wireless communication device (see figs. 1, 2 and 3, col. 4, lines 38-60).

Regarding on the newly added limitation in claims 5 and 10, Eichinger further teaches where the user data is checked in the wireless communication device to determine if the user has access rights to the wireless communication device (see col. 4 lines 32-60)

But Eichinger fails to show the data transmitted from the identification module to the wireless communication device is in a wireless manner.

However, Ogasawara teaches the wireless identification customer ID card or smart card. The customer ID card suitably comprises a personal memory card or data card which looks and feels much like an ordinary credit card and which is able to transmit and receive information in wireless manner (see fig. 7, ID card 10 and pages 4-5 session [0038-0040]).

Therefore it would have been obvious to one of the ordinary skill in the art at the time invention was made to modify Eichinger system's SIM card and the teaching of Ogasawara with the wireless customer ID card thereto in order to provide user with the convenience to use the wireless SIM cards.

Regarding to claim 6, Eichinger teaches wherein the user data stored in the identification module (SIM) are used in connection with at least a first and a second wireless communication device to find out the access rights of the user (see figs. 1, 2 and 3, and col. 7 lines 13-55).

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Regarding to claim 8, Eichinger teaches the user data identification module (see fig. 1, SIM card), for transmitting user data comprise the transmitter and the receiver for transmitting and receiving low power radio frequency signals (see page 6, section [0050] lines 20-24).

Regarding to claim 11, Eichinger teaches the wireless communication device (see fig. 1, mobile radio) it is a GSM mobile station (see col. 1, lines 14-17).

Regarding to claim 12, Eichinger teaches the wireless communication device (see fig. 1, mobile radio) setting the access rights for the wireless communication device, wherein the access rights for the wireless communication device are arranged to be limited (see col. 5 lines 42-63), if the user data are not received from the identification module (see fig. 1, SIM card) in the wireless communication device.

Regarding claim 14, Eichinger teaches the user data identification module is operative with the SIM card (see fig. 1, mobile radio with the SIM card and fig. 2)

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eichinger (U.S. Patent No. 6,370,374) in view of Ogasawara (U.S. Pub. No.20020016740) Further in view of Hayek (U.S. Patent No. 6,224,254).

Regarding to claim 9, Eichinger teaches the user data identification module (see fig. 1, SIM card), it is arranged to be portable with the user. But Eichinger or Ogasawara fails to show

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the user data identification module that is arranged to be portable with the user preferably to be attached to the wrist.

However, Hayek teaches a radio telephone watch with a SIM card allowing access to mobile communication system and allowing access to data stored in SIM card that it is arranged to be portable with the user preferably to be attached to the wristwatch (see figs. 1 and 2 A-B, and abstract lines 1-13).

Therefore, it would have been obvious to one ordinary skill in the art at the time invention was made to modified Eichinger and Ogasawara systems by providing the teaching of Hayek with a wristwatch mounting technique thereto in order to provide user with convenience to access when in sport.

Response to Arguments

6. Applicant's arguments filed 4-30-2004 have been fully considered but they are not persuasive.

Response to Arguments

(I) Applicant's arguments the reference of Eichinger is teaching that a part of all of data on SIM card can also be stored in the terminal (see col. 4, lines 38-44), that is the another feature of invention can be use. Since the reference of Eichinger teaches the scope of the invention to store all these data (access numbers, personal identification numbers, and identification codes) on the SIM card only (see col. 4, lines 38-40).

Therefore the rejection of claims 5 and 10 are read on to store data (access numbers, personal identification numbers, and identification codes) on the SIM card of Eichinger.

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(II) Applicant's arguments the reference of Ogasawara discloses a smart card or customer ID card, which can be used for wireless access into a service, and this reference does not relate to a mobile communication network nor a SIM card. The examiner agrees that the reference of Ogasawara does not relate to a mobile communication network nor a SIM card. However, the primary reference (Eichinger) does teach the above limitation (see fig. 1, col. 2, lines 50-64 and col. 4, lines 38-44).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
Art Unit 2684
July 6, 2004


NICK CORSARO
PATENT EXAMINER